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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/928,578   | 08/10/2001  | Yu-Cheun Jou         | PA010391            | 7879             |
| 23696  | 7590        | 02/14/2006           | EXAMINER            |                  |
| QUALCOMM, INC<br>5775 MOREHOUSE DR.<br>SAN DIEGO, CA 92121 |             |                      | LUGO, DAVID B       |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2637                |                  |

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/928,578

Applicant(s)

JOU, YU-CHEUN

Examiner

David B. Lugo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS,<sup>†</sup> WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 40-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 40-49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/05 has been entered.

### ***Drawings***

2. The drawings are objected to because the copies of the drawings on file with the Office include various portions of text, block diagrams and graphs in Figures 2-6 that are not clearly legible. New copies of Figures 2-6 are required. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). The objection to the drawings will not be held in abeyance.

***Claim Objections***

3. Claims 40-49 are objected to because of the following informalities:
- a. Claim 40, lines 2-3 recites “a communication channel received at a receiver.”  
This limitation should be corrected since it is not a communication channel that is received, but rather, data which is transmitted over the communication channel.
  - b. Claim 40, lines 4-5 recites “the communication channel received at the receiver.”  
This limitation should be corrected (see objection a. above).
  - c. Claim 40, line 11 recites “transmission of said communication channel to said receiver.” This limitation should be corrected (see objection a. above).
  - d. Claim 42, lines 1-2 recites “transmitting said communication channel to said receiver.” This limitation should be corrected (see objection a. above).
  - e. Claim 45, lines 13-14 recites “transmission of said communication channel to said receiver.” This limitation should be corrected (see objection a. above).
  - f. Claim 47, line 2 recites “transmitting said communication channel to said receiver.” This limitation should be corrected (see objection a. above).
  - g. Claim 49 recites “said transmitter” in line 2. There is insufficient antecedent basis for this limitation in the claim.
- Appropriate correction is required.

***Allowable Subject Matter***

4. Claims 40-49 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.
5. The following is a statement of reasons for the indication of allowable subject matter:

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Nakano et al. U.S. Patent 5,873,028 discloses the calculation of a channel to interference ratio (CIR) value for power control purposes. Tran U.S. Patent 6,735,449 discloses generating a power command based upon the rate of change of signal indicia such as the signal to interference ratio of a communication signal. However, the prior art of record fails to teach determining a minimum gain level based on a determined CIR, determining a gain margin of the communication channel based on the rate of change of the CIR, and determining a gain level of the communication channel based on the minimum gain level and the gain margin.

### ***Conclusion***

6. This application is in condition for allowance except for the formal matters described above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

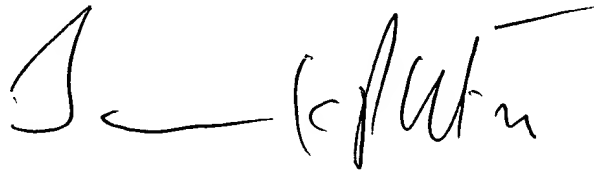
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Lugo whose telephone number is 571-272-3043. The examiner can normally be reached on M-F; 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Lugo  
2/10/06

A handwritten signature in black ink, appearing to read 'J. K. Patel', with a stylized flourish at the end.

**JAY K. PATEL**  
**SUPERVISORY PATENT EXAMINER**